

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1997-239-C - ORDER NO. 2005-139
MARCH 31, 2005

IN RE: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund) ORDER GRANTING) MOTION FOR) PROTECTIVE ORDER) AND PROTECTIVE) ORDER
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This matter comes before the Public Service Commission of South Carolina (“Commission”) upon the Motion of the South Carolina Telephone Coalition (“SCTC”), on behalf of itself and its individual companies (“Companies”), for a Protective Order. The Commission has determined that the Motion should be granted and hereby adopts the following Order in order to facilitate the sharing of information while adequately protecting material entitled to be kept confidential:

1. By Order No. 2005-7 in this docket, this Commission appointed the Office of Regulatory Staff (“ORS”) as the Administrator of the Fund subject to a further order to be issued after a full consideration of the appropriate guidelines for such an appointment. Because of the transfer of the administrative function of the State Universal Service Fund (“State USF”) from the Commission to the ORS, we grant SCTC’s Motion for a Protective Order to ensure that materials that are provided to the Commission and/or the ORS to aid in the administration of the State USF and that are designated by the providing party as Confidential Information will continue to be entitled to protection

from public disclosure. This is consistent with our intent, as expressed in Order No. 2005-7, that staff members of the ORS will treat such materials as confidential, either by continuing to be bound by confidentiality agreements signed in the course of their duties as former Commission Staff members or by being required to sign a confidentiality agreement before being allowed to review the confidential material.

2. The “Confidential Information” is material that a party designates as “Confidential Information” and that is provided to the Commission and/or ORS for purposes of discovery and/or administering the State USF that the party believes in good faith would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. This may include, but is not limited to, workpapers, summaries, spreadsheets, models, diagrams, data, customer information, reports, or other documents either provided by a party in response to discovery or to requests for information from the Commission or the ORS, or created or produced by the Commission or the ORS during the course of their duties as administrator of the State USF, which contain proprietary business information of any party. It is appropriate to require the Confidential Information that has been provided to or will be provided to the Commission and/or the ORS in this docket to be subject to a Protective Order because the Confidential Information contains proprietary business information regarding the providing party’s operations.

3. In light of the current telecommunications environment, it is not appropriate to make detailed information regarding a party’s operations publicly

available. Access to this information could give actual and potential competitors an unfair competitive advantage.

4. Confidential Information previously has been provided under seal to the Commission in this docket, and the Commission has afforded such materials confidential treatment. Thus, confidential treatment of the Confidential Information, as requested in SCTC's Motion, is consistent with the Commission's prior rulings and prior treatment of similar information.

5. Confidential Information provided to the Commission or the ORS, which falls within the scope of the Commission's Protective Order, will be filed in a sealed envelope with each page marked "Confidential" in red ink, or with other markings that are reasonably calculated to alert custodians of the materials to their confidential or proprietary nature.

6. Persons or entities may apply to the Commission for a ruling that materials designated as Confidential Information are not entitled to such status and protection from public disclosure. In that event, the party that designated the materials as Confidential Information shall be given notice of the application and an opportunity to respond. The materials that are subject to such an application should continue to be protected from public disclosure unless the Commission enters an order to the contrary.

7. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice-Chairman

(SEAL)